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CLERK, U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

10 WESTPAC HOMES, ET AL.,

11 Plaintiffs,

12 vs.

13 MONIQUE LEWIS, et al.,

14 Defendants.

15 } CASE NO. CV 12-9187 UA (DUTYx)

16 } ORDER SUMMARILY REMANDING
17 } IMPROPERLY-REMOVED ACTION

18 The Court will remand this unlawful detainer action to state court summarily
because Defendant removed it improperly.

20 On October 25, 2012, Defendant, having been sued in what appears to be a routine
21 unlawful detainer action in California state court, lodged a Notice Of Removal of that
22 action to this Court and also presented an application to proceed in forma pauperis. The
23 Court has denied the latter application under separate cover because the action was not
24 properly removed. To prevent the action from remaining in jurisdictional limbo, the Court
25 issues this Order to remand the action to state court.

27 Simply stated, Plaintiffs could not have brought this action in federal court in the
28 first place, in that the complaint does not competently allege facts supplying either
diversity or federal-question jurisdiction, and therefore removal is improper. 28 U.S.C.

1 § 1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S. 546, 563, 125 S.Ct.
2 2611, 162 L.Ed.2d 502 (2005). Defendants' notice of removal asserts that federal question
3 jurisdiction exists. (Notice at 2). However, the underlying unlawful detainer action does
4 not raise any federal legal question.

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6 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Superior
7 Court of California, Los Angeles County, Mosk Courthouse, 111 North Hill Street, Los
8 Angeles, California, 90012, for lack of subject matter jurisdiction pursuant to 28 U.S.C.
9 § 1447(c); (2) that the Clerk send a certified copy of this Order to the state court; and (3)
10 that the Clerk serve copies of this Order on the parties.

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12 IT IS SO ORDERED.

13 DATED: 11/27/12

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16 GEORGE H. KING
17 CHIEF UNITED STATES DISTRICT JUDGE

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